

NO. 72084

**APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF
NEVADA HERETOFORE APPROPRIATED**

Date of filing in State Engineer's Office DEC 22 2004

Returned to applicant for correction _____

Corrected application filed _____

Map filed JAN 26 2005

The applicant **Battle Mountain Gold Company** makes application for permission to change the **point of diversion and manner of use and place of use of a portion** of water heretofore appropriated under Permit 11876 Cert. 3503

1. The source of water is **underground**
2. The amount of water to be changed **.112 CFS**
3. The water to be used for **Mining, Milling, and Domestic**
4. The water heretofore permitted for **Placer Mining and domestic**
5. The water is to be diverted at the following point **within the NW¼ NW¼ of Section 8 T.30N., R.43E. M.D.B.&M. or at a point from which the N¼ corner of said Section 8 bears N 83° 11' 18" E, a distance of 1710.53 feet.**
6. The existing permitted point of diversion is located within the **SW¼ SE¼ of Section 8, T.30N., R.43E. M.D.B.&M. or at a point from which the S¼ corner of Section 33, T.31N., R.43E., bears N 31° 00' 40" E, a distance of 10,912.90 feet.**
7. Proposed place of use **Sections 14, 15, 16, 21, 22, 23, 26, 27, 28, 32, 33, 34 T.31N., R.43E., M.D.M. and Sections 2, 3, 4, 8, 9, 10, 16, 21, T.30N., R.43E., M.D.M.**
8. Existing place of use **Sections 3 & 4, T.30N., R.43E. and Sections 28, 32, 33 & 34, T.31N., R.43E., M.D.B.&M.**
9. Use will be from **January 1st to December 31st** of each year.
10. Use was permitted from **January 1st to December 31st** of each year.
11. Description of proposed works **drilled well and pipeline to the place of use**
12. Estimated cost of works **in excess of \$20,000**
13. Estimated time required to construct works **2 years**
14. Estimated time required to complete the application of water to beneficial use **5 years**

15. Remarks: Water is to be used for mill process water, annual consumptive use will be 80.65 acre feet.

By John H. Milton III
s/ John H. Milton III
146 West Second Street
Winnemucca, NV 89445

Compared gkl/sc lt/gkl

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion, place of use and manner of use of a portion of the waters of an underground source as heretofore granted under Permit 11876, Certificate 3503 is issued subject to the terms and conditions imposed in said Permit 11876, Certificate 3503 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the Proof of Completion of Work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate land.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from the State, Federal and local agencies.

The total combined duty of water for consumptive purposes under permits 11876, Certificate 3503; 36870, Certificate 12923; 36871, Certificate 13747; 36872, Certificate 13748; 49459, Certificate 14023; 49460, Certificate 14024; 49461, Certificate 14025; 52036, Certificate 14018; 54214, Certificate 13754; 65411, 65412, 65415 through 65427 inclusive; 65428-E, 65429-E, 68407, 68408 and 72084 shall not exceed 12905 acre-feet annually for mining and milling purposes.

A monthly report must be submitted to the State Engineer within 10 days from the end of each month which shall include measurement of the following: the volume of water pumped from each well, the volume of water consumptively used for mining and milling uses projectwide, the volume of water diverted to the reservoir, the evaporative losses and seepage losses from the reservoir, the volume of water discharged to any surface drainage and which drainage, and the volume of water used for any other purpose allowed under the permits. Reporting frequency may later be changed if authorized by the State Engineer.

The State Engineer retains the right to require at any time the permittee cooperate in the funding of additional monitoring and modeling by an independent third party. The State Engineer retains the right to impose future conditions as necessary upon review and evaluation of all data submitted. The State Engineer retains the right to regulate pumping herein authorized to protect the public interest and existing rights.

(CONTINUED ON PAGE 3)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.112 cubic feet per second, but not to exceed 81.085 acre-feet annually.

Work must be prosecuted with reasonable diligence and be completed on or before:

November 12, 2006

Proof of completion of work shall be filed on or before:

December 12, 2006

Water must be placed to beneficial use on or before:

November 12, 2007

Proof of the application of water to beneficial use shall be filed on or before:

December 12, 2007

Map in support of proof of beneficial use shall be filed on or before:

N/A

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 22nd day of July A.D. 2005


State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed N/A

Certificate No. _____ Issued _____

